

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>GIDEON RAPAPORT, Plaintiff, -against- AJAY SRINIVASAN IYER, et al., Defendants.</p>	<p>23-CV-6709 (JGLC)</p>
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ORDER OF DISMISSAL

JESSICA G. L. CLARKE, United States District Judge:

By order dated March 31, 2025, this Court granted and denied in part the Defendants' motions to dismiss in the above captioned action, and dismissed certain of Plaintiff's claims with prejudice and others without prejudice. ECF No. 101 (the "MTD Order"). The MTD Order further instructed Plaintiff, who is proceeding *pro se*, to file a First Consolidated Amended Complaint ("FCAC"). On April 7, 2025, Plaintiff filed an appeal of the MTD Order (ECF Nos. 102, 108). As the Court explained in a subsequent order dated April 23, 2025, Plaintiff's appeal was defective because it did not seek the review of a final, appealable order. ECF No. 109. This Court further instructed that, should Plaintiff fail to file an FCAC in the applicable timeframe, final judgment would be entered in Defendants' favor and the case would be closed. *Id.*

On June 2, 2025, Plaintiff filed a letter indicating that he does not intend to file an FCAC, and maintaining that his appeal was appropriate. ECF No. 111. Therefore, because Plaintiff has declined to amend the complaint, and because Plaintiff's deadline to file the FCAC has passed, the MTD Order now operates as a final adjudication of his claims against all Defendants, and judgment shall now be entered in their favor. Thereafter, and as a result, Plaintiff's appeal may continue, because the Second Circuit "treat[s] a premature appeal from a judgment granting

leave to amend as an appeal from a final judgment *if the deadline for amendment has passed.”*

Whitfield v. Johnson, 763 F. App’x 106, 107 (2d Cir. 2019) (emphasis added).

In light of the foregoing, the Clerk of Court is respectfully directed to enter final judgment in Defendants’ favor as to all claims, and to close this case.

Dated: June 11, 2025
New York, New York

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge